

REMARKS

1. An Office Action requiring Applicants to elect a single invention for prosecution on the merits was mailed October 24, 2008. Claims 20-46 were last presented for examination. By the foregoing Amendments, no claims have been amended, added or cancelled. Thus, upon entry of this paper, claims 20-46 will remain pending in this application. Of these twenty-seven (27) claims, three (3) claims (claims 20, 30 and 40) are independent. In response to the Election/Restriction Requirement, Applicants submit this Response to Election/Restriction Requirement.

Election/Restriction

2. The Examiner has required the election of a single invention for prosecution on the merits. The Examiner alleged that the originally filed claims are directed to the following two (2) patentably distinct inventions:

- I.* Claims 20-39, drawn to a speech processor with housing.
- II.* Claims 40-46, drawn to a method of using a speech processor in a BTE mode and in a non BTE housing.

Provisional Election

3. In accordance with 37 CFR § 1.143 and MPEP 818.03(b), Applicants hereby elect, without traverse, the claims of Group I, namely, claims 20-39.

4. Applicants do not intend to dedicate non-elected claims to the public and reserve the right to file divisional applications for the subject matter covered by the non-elected claims.

5. The inventorship for the invention of the elected claims is the same as the inventorship of record in this application.

Conclusion

6. In view of the foregoing, it is respectfully submitted that this application is in condition for allowance and favorable action is respectfully solicited.

Dated: November 24, 2008

Respectfully submitted,

Electronic signature: /Michael G. Verga/
Michael G. Verga
Registration No.: 39,410
CONNOLLY BOVE LODGE & HUTZ LLP
1875 Eye Street, NW
Suite 1100
Washington, DC 20006
(202) 331-7111
(202) 293-6229 (Fax)
Attorney for Applicant